

IPDES Permit Issuance Plan

Calendar Year 2020

State of Idaho
Department of Environmental Quality
May 2020



Idaho Permit Issuance Plan for Calendar Year 2020

The Idaho Department of Environmental Quality's (DEQ's) permit issuance plan for calendar year 2020 provides the regulated community, US Environmental Protection Agency (EPA), and other state, federal, tribal, and interested entities with information on permits being worked on by the state. Permits are assigned to Idaho Pollutant Discharge Elimination System (IPDES) permit writers according to this list, barring special circumstances that may arise (e.g., applicant submitting a letter of application withdrawal or Notice of Intent to Terminate (NOT) or active total maximum daily load [TMDL] changes).

Individual facilities were rated based on the following criteria:

- Type of facility applying for a permit
- Length of time the facility has been waiting to be issued its first permit (number of months in pending status)
- Length of time before an existing permit expires
- Length of time the permit has been classified as administratively continued
- Receiving water beneficial use status
- Facility compliance history
 - Number of significant noncompliance issues accrued during past permit cycle
 - Number of reporting noncompliance issues accrued during past permit cycle;
- Facility classification as a major or a minor discharger
- Number of drinking water system intakes within 500 feet downstream of the facility's discharge point

The 2020 Publicly Owned Treatment Works (POTW) Permit Development List (Table 1) identifies POTW permits that have been assigned to permit writers, are actively being prepared, or are in queue. This table identifies the permit number, facility name, existing permit status (e.g., pending, administratively continued, or effective), draft permit status (e.g., in development, assigned, or in queue—permits waiting to be assigned), type of discharge, receiving water, and hydrologic unit code (HUC).

Authority for issuing non-POTW permits was delegated to DEQ on July 1, 2019. The 2020 Non-POTW Permit Development List (Table 2) identifies the non-POTW permits that have been assigned to permit writers, are actively being prepared, or are in queue. DEQ will continue work on any permit that EPA started developing but has not issued.

Some non-POTW permits process domestic wastewater and are issued permits that mirror POTW requirements using best professional judgement (BPJ). DEQ may assign these facilities to the permit writers before other categories of non-POTW facilities due to the permit writers' experience addressing POTWs and the anticipated minimal number of pollutants of concern in wastewater.

Revisions to this CY 2020 permit issuance plan revision are as follows:

- HUCs that identify receiving waters with Endangered Species Act (ESA)-listed species or critical habitat that were missing from the original permit issuance plan have been

added. This change will help DEQ comply with notification requirements in IDAPA 58.01.25.109.

- The Burley Industrial Permit (ID0000663) has been resequenced. EPA processed this permit through public comment but was unable to issue it prior to DEQ obtaining delegated authority over the non-POTW sector.
- The application for the Edge Resort, which was submitted after the original permit issuance plan, has been added. This facility has been assigned and is currently in permit development.

Table 1. 2020 POTW permit development list.

IPDES ID	Facility/Operator	Permit Status	Draft Status	Facility Type and Receiving Water [HUC^{a,b}]
ID0022845	Santa-Fernwood Sewer District	Admin. Cont.	Post Pub Comment	POTW discharge to St. Maries River [17010304] ^b
ID0023167	Cascade, City of	Admin. Cont.	Post Pub Comment	POTW discharge to NF Payette River [17050123] ^b
ID0025585	Montpelier, City of	Admin. Cont.	Pub Comment	POTW discharge to Bear River
ID0021296	South Fork Coeur d'Alene River Sewer District – Mullan WWTP	Admin. Cont.	In Development	POTW discharge to S. Fork Coeur d'Alene River
ID0021300	South Fork Coeur d'Alene River Sewer District – Page WWTP	Admin. Cont.	In Development	POTW discharge to S. Fork Coeur d'Alene River
ID0020427	Homedale, City of	Admin. Cont.	In Development	POTW discharge to Snake River
ID0020354	Weippe, City of	Admin. Cont.	In Development	POTW discharge to Jim Ford Creek [17060306] ^{a,b}
ID0026174	Ririe, City of	Admin. Cont.	In Development	POTW discharge to Canal
ID0023825	Grace, City of	Effective	In Development	POTW discharge to Bear River
ID0028436	Princeton-Hampton Water and Sewer District	Pending	In Development	POTW discharge to Palouse River
ID0028487	Emida Water & Sewer Association	Pending	In Development	POTW discharge to Santa Creek [17010304] ^b
ID0024252	White Bird, City of	Pending	In Development	POTW discharge to White Bird Creek [17060209] ^{a,b}
ID0023817	Rexburg, City of	Admin. Cont.	In Development	POTW discharge to S. Fork Teton River
ID0020940	Heyburn, City of	Admin. Cont.	In Development	POTW discharge to Snake River's Milner Pool [17040209] ^b
ID0021831	Middleton, City of	Admin. Cont.	In Development	POTW discharge to Boise River
ID0020818	Soda Springs, City of	Admin. Cont.	In Development	POTW discharge to the Bear River
ID0022047	Rockland, City of	Admin. Cont.	In Development	POTW discharge to S. Fork Rock Creek [17040209] ^b
ID0021849	Cottonwood, City of	Admin. Cont.	In Development	POTW discharge to Cottonwood Creek [17060305] ^{a,b}
ID0020087	Council, City of	Admin. Cont.	In Development	POTW discharge to Weiser River [17050124] ^b
ID0022861	Bovill, City of	Admin. Cont.	In Development	POTW discharge to Potlatch River [17060306] ^{a,b}
ID0023604	Troy, City of	Admin. Cont.	In Development	POTW discharge to Big Meadow Creek [17060306] ^{a,b}
ID0020036	Grangeville, City of	Admin. Cont.	In Development	POTW discharge to Threemile Creek [17060305] ^{a,b}

IPDES ID	Facility/Operator	Permit Status	Draft Status	Facility Type and Receiving Water [HUC ^{a,b}]
ID0020788	Deary, City of	Admin. Cont.	In Development	POTW discharge to Mount Deary Creek [17060306] ^{a,b}
ID0021806	Cambridge, City of	Admin. Cont.	In Development	POTW discharge to Weiser River [17050124] ^b
ID0026913	Roberts, City of	Admin. Cont.	In Development	POTW discharge to Roberts Slough tributary to Snake River
ID0026310	Viola Water and Sewer District	Admin. Cont.	In Development	POTW discharge to Fourmile Creek
ID0020001	Salmon, City of	Admin. Cont.	In Development	POTW discharge to Salmon River [17060203] ^{a,b}
ID0020061	Filer, City of	Admin. Cont.	In Development	POTW discharge to Cedar Draw Creek [17040212] ^b
ID0021211	Richfield, City of	Admin. Cont.	In Development	POTW discharge to Little Wood River
ID0022501	Potlatch, City of	Admin. Cont.	In Development	POTW discharge to Palouse River
ID0020443	Boise, City of – Lander St. WWTP	Admin. Cont.	In Development	POTW discharge to Boise River
ID0023981	Boise, City of – West Boise	Admin. Cont.	In Development	POTW discharge to Boise River
ID0020044	Blackfoot, City of	Admin. Cont.	Assigned	POTW discharge to Snake River [17040206] ^b
ID0020311	Emmett, City of	Admin. Cont.	Assigned	POTW discharge to Payette River [17050122] ^b
ID0021491	Moscow, City of	Admin. Cont.	Assigned	POTW discharge to Paradise Creek
ID0020028	Gooding, City of	Admin. Cont.	Assigned	POTW discharge to Little Wood River
ID0020231	Payette Lakes Recreational Water and Sewer District – McCall	Admin. Cont.	Assigned	POTW discharge to N. Fork Payette River [17050123] ^b
ID0021822	Lava Hot Springs, City of	Admin. Cont.	Assigned	POTW discharge to Portneuf River
ID0020265	Wilder, City of	Admin. Cont.	Assigned	POTW discharge to Wilder drain tributary to Boise River
ID0028355	Kuna, City of	Admin. Cont.	Assigned	POTW discharge to Indian Creek tributary to Boise River
ID0020117	Smelterville, City of	Admin. Cont.	Assigned	POTW discharge to S. Fork Coeur d'Alene River
ID0021016	Notus, City of	Admin. Cont.	Assigned	POTW discharge to Boise River
ID0023159	New Meadows, City of	Admin. Cont.	Assigned	POTW discharge to Little Salmon River [17060210] ^{a,b}
ID0020133	Eastern Idaho Regional Wastewater Authority - Oxbow	Admin. Cont.	Assigned	POTW discharge to Snake River [17040206] ^b
ID0020753	American Falls, City of	Admin. Cont.	Assigned	POTW discharge to Snake River [17040206] ^b

IPDES ID	Facility/Operator	Permit Status	Draft Status	Facility Type and Receiving Water [HUC ^{a,b}]
ID0025941	Hagerman, City of	Admin. Cont.	In Queue	POTW discharge to Snake River [17040212] ^b
ID0022446	Hansen, City of	Admin. Cont.	In Queue	POTW discharge to Canal [17040212] ^b
ID0020664	Buhl, City of	Admin. Cont.	In Queue	POTW discharge to East Fork Mud Creek [17040212] ^b
ID0025071	Clarkia Water & Sewer District	Admin. Cont.	In Queue	POTW discharge to St. Maries River [17010304] ^b
ID0020141	Driggs, City of	Admin. Cont.	In Queue	POTW discharge to Woods Creek
ID0020931	Riggins, City of	Admin. Cont.	In Queue	POTW discharge to Salmon River [17060209] ^{a,b}
ID0020281	Ketchum, City of	Admin. Cont.	In Queue	POTW discharge to Big Wood River [17040219] ^b
ID0021784	Pocatello, City of	Admin. Cont.	In Queue	POTW discharge to Portneuf River
ID0022004	Glenns Ferry, City of	Admin. Cont.	In Queue	POTW discharge to Snake River [17050101] ^b
ID0020290	Weiser, City of	Admin. Cont.	In Queue	POTW discharge to Snake River [17050201] ^b
ID0021270	Twin Falls, City of	Admin Cont.	In Queue	POTW discharge to Snake River [17040212] ^b
ID0020800	Priest River, City of	Admin Cont.	In Queue	POTW discharge to Pend Oreille River [17010214] ^b
ID0020303	Hailey, City of	Admin Cont.	In Queue	POTW discharge to Big Wood River [17040219] ^b
ID0020222	Bonnars Ferry, City of	Admin Cont.	In Queue	POTW discharge to Kootenai River [17010104] ^b
ID0020401	St. Anthony, City of	Admin Cont.	In Queue	POTW discharge to Snake River
ID0020168	Jerome, City of	Admin Cont.	In Queue	POTW discharge to Canal [17040212] ^b
ID0021199	Fruitland, City of	Admin Cont.	In Queue	POTW discharge to Payette River [17050122] ^b
ID0021261	Idaho Falls, City of	Admin Cont.	In Queue	POTW discharge to Snake River [17040206] ^b
ID0028304	Greenleaf, City of	Admin Cont.	In Queue	POTW discharge to West End Drain
ID0024988	Firth, City of	Admin Cont.	In Queue	POTW discharge to Snake River [17040206] ^b
ID0020672	Payette, City of	Admin Cont.	In Queue	POTW discharge to Payette River [17050122] ^b

a. HUCS identified by the National Marine Fisheries Services (NMFS) as part of the conservation measures for EPA's approval of Idaho Mixing Zone Rules.

b. HUCs identified by the US Fish and Wildlife Service (FWS) that contain ESA-listed species or critical habitat.

Table 2. 2020 Non-POTW permit development list.

IPDES ID	Permit Name	Permit Status	Draft Status	Facility Type and Receiving Water [HUC^{a,b}]
ID0027901	Henggeler Packing Co. Inc.	Pending	In Development	Non-POTW discharge to drain tributary to Payette River [17050122] ^b
ID0030015	The Edge Resort, LLC	Pending	In Development	Non-POTW, recreational resort, discharging to Middle Fork Payette River [17050121] ^b
ID0000663	Burley, City of – Heyburn Industrial Park	Admin. Cont.	Post Pub Comment	Non-POTW discharge to Snake River [17040209] ^b
ID0028550	Triumph Mine	Pending	Queue	Non-POTW Discharge to drain tributary to East Fork Big Wood River [17040219] ^b
ID0025488	Boise, City of – Geothermal Project	Admin. Cont.	In Development	Non-POTW discharge to Boise River
ID0001163	Clearwater Paper Corp.	Admin. Cont.	Post Pub Comment	Non-POTW discharge to Snake/Clearwater Rivers [17060306] ^{a,b}
ID0025402	Thompson Creek Mining Co	Admin Cont.	Queue	Non-POTW discharge to Thompson & Squaw Cr. tributaries to Salmon River [17060201] ^{a,b}
ID0000060	Sunshine Silver Mining & Refining Corp – Sunshine Mine	Admin. Cont.	Queue	Non-POTW discharge to S. Fork Coeur d'Alene River
ID0000159	Sunshine Silver Mining & Refining Corp – Sunshine Mine East	Admin. Cont.	Queue	Non-POTW discharge to S. Fork Coeur d'Alene River
ID0000167	Hecla LTD – Star/Morning Mine and Mill	Admin. Cont.	Queue	Non-POTW discharge to Yankee Fork Salmon River [17060201] ^{a,b}
ID0000213	Seneca Foods Corp.	Admin. Cont.	Queue	Non-POTW discharge to Payette River
ID0027154	University of Idaho – Aquaculture Lab	Admin. Cont.	Queue	Non-POTW discharge to Paradise Creek
ID0020907	Idaho Power Co. – Brownlee Power Plant	Admin. Cont.	Queue	Non-POTW discharge to Snake River
ID0028291	Kootenai River Nutrient Injection Site	Admin. Cont.	Queue	Non-POTW discharge to Kootenai River [17010104] ^b
ID0027979	Elk Valley Subdivision	Admin. Cont.	Queue	Non-POTW discharge to S. Fork Boise River
ID0027022	Meridian Beartrack Co. – Beartrack Mine	Admin. Cont.	Queue	Non-POTW discharge to Napias to Panther Cr. tributary to Salmon River [17060203] ^{a,b}
ID0020532	Bennett Lumber Products Inc.	Admin. Cont.	Queue	Non-POTW discharge to Palouse River

IPDES ID	Permit Name	Permit Status	Draft Status	Facility Type and Receiving Water [HUC ^{a,b}]
ID0028321	Formation Capital Corp. – Idaho Cobalt Project	Admin. Cont.	Queue	Non-POTW discharge to Panther Cr. tributary to Salmon River [17060203] ^{a,b}
ID0024422	Mid-Valley Sewer Co. LLC	Admin. Cont.	Queue	Non-POTW discharge to Big Wood River [17040219] ^b
ID0001198	P4 Production LLC	Admin Cont.	Queue	Non-POTW discharge to Soda Creek Tributary to Bear River
ID0025259	Noranda Mining Inc	Admin Cont.	Queue	Non-PTOW discharge to Panther Cr. Tributary to Salmon River [17060203] ^{a,b}
ID0025429	US Silver Corp – Idaho Inc. (Caladay Mine)	Admin Cont.	Queue	Non-POTW discharge to Daly Creek Tributary to South Fork Coeur d'Alene River
ID0000787	SL Four Star Beef Inc	Admin Cont.	Queue	Non-POTW discharging to Indian Creek
ID0000230	Amalgamated Sugar Co. LLC – Twin Falls Factory	Admin. Cont.	Queue	Non-POTW discharge to Rock Creek [17040212] ^b

a. HUCs identified by the National Marine Fisheries Services (NMFS) as part of the conservation measures for EPA's approval of Idaho Mixing Zone Rules.

b. HUCs identified by the US Fish and Wildlife Service (FWS) that contain ESA-listed species or critical habitat.

Listing of Effective IPDES Permits

Table 3 lists individual permits (POTW/Non-POTW) in Idaho that are effective. Facilities are sorted by expiration date, which highlights those expected to compile and submit a renewal application in the coming months. This feature prompts the IPDES compliance officer to contact the facility and provide assistance with compiling and submitting a complete renewal application, and assists the IPDES permit supervisor with forecasting and scheduling work assignments for the IPDES permit writers. Permittees in the “Effective” status will be contacted at least 12 months prior to the permit expiration date, reminding them to prepare and submit a renewal application if they wish to continue to discharging under an IPDES permit.

Table 3. Effective permit list.

IPDES ID	Permit Name	Facility Type and Receiving Water [HUC^{a,b}]	Expiration Date
ID0000612	McCain foods USA Inc. – Burley Facility	Non-POTW discharge to Milner Dam-Snake River [17040209] ^b	10/31/2019
ID0023710	Ashton, City of - WWTP	POTW discharge to Rattlesnake Creek-Henrys Fork	11/15/2019 terminating
ID0026590	HAYDEN AREA REGIONAL SEWER BOARD - HARSB WWTP	POTW discharge to Cedar Creek-Spokane River [17010305] ^b	11/30/2019
ID0025852	CITY OF POST FALLS WATER RECLAMATION FACILITY	POTW discharge to Rathdrum Creek-Spokane River [17010305] ^b	11/30/2019
ID0022853	COEUR D'ALENE, CITY OF - COEUR D'ALENE WWTP	POTW discharge to Cedar Creek-Spokane River [17010305] ^b	11/30/2019
ID0022012	ELK CITY WATER AND SEWER ASSOCIATION - ELK CITY WWTP	POTW discharge to Elk Creek to American River [17060305] ^{a,b}	4/30/2020
ID0023591	STAR SEWER AND WATER DISTRICT - STAR WWTP	POTW discharge to Mason Creek-Boise River	4/30/2020
ID0024384	FAIRFIELD, CITY OF - FAIRFIELD WWTP	POTW discharge to Soldier Creek-Camas Creek	8/31/2020
ID0021202	MARSING, CITY OF - MARSING WWTP	POTW discharge to Jump Creek-Snake River	10/31/2020
ID0000388	Independent Meat Co. – Twin Falls Facility	Non-POTW discharge to Rock Creek [17040212] ^b	12/31/2020
ID0022055	LEWISTON, CITY OF - LEWISTON WWTP	POTW discharge to Lower Clearwater River [17060306] ^{a,b}	1/31/2021
ID0020176	ABERDEEN, CITY OF - ABERDEEN WWTP	POTW discharge to Hazard Creek-American Falls Reservoir [17040206] ^b	2/28/2021
ID0028371	Avimor LLC – Avimor Village Phase 1	Non-POTW discharge to Dry Creek	4/30/2021
ID0020389	NEW PLYMOUTH, CITY OF - NEW PLYMOUTH WWTP	POTW discharge to Bissel Creek-Payette River [17050122] ^b	8/31/2021
ID0021504	CALDWELL, CITY OF - CALDWELL WWTP	POTW discharge to Mason Creek-Boise River	10/31/2021
ID0022063	NAMPA, CITY OF - NAMPA WWTP	POTW discharge to Indian Creek	10/31/2021
ID0020010	RIGBY, CITY OF - RIGBY WWTP	POTW discharge to Birch Creek-Snake River	12/31/2021
ID0021776	PARMA, CITY OF - PARMA WWTP	POTW discharge to Sand Hollow Creek	3/31/2022
ID0020214	PRESTON, CITY OF - PRESTON WWTP	POTW discharge to Cub River	4/30/2022

IPDES ID	Permit Name	Facility Type and Receiving Water [HUC ^{a,b}]	Expiration Date
ID0020125	GENESEE, CITY OF - GENESEE WWTP	POTW discharge to Union Flat Creek	6/30/2022
ID0020192	MERIDIAN, CITY OF - MERIDIAN WWTP	POTW discharge to Tenmile Creek-Fifteen Mile Creek	7/31/2022
ID0025887	North Idaho Correctional Institution	Non-POTW discharge to Lawyer Creek [17060306] ^{a,b}	8/31/2022
ID0020842	SANDPOINT, CITY OF - SANDPOINT WWTP	POTW discharge to Pend Oreille River [17010214] ^b	11/30/2022
ID0028037	Sorrento Lactalis, Inc.	Non-POTW discharge to Mason Creek-Boise River	3/31/2023
ID0023027	MACKAY, CITY OF - MACKAY WWTP	POTW discharge to Middle Big Lost River	5/31/2023
ID0020206	PIERCE, CITY OF - PIERCE WWTP	POTW discharge to Orofino Creek [17060306] ^{a,b}	5/31/2023
ID0025569	FRANKLIN, CITY OF - FRANKLIN WWTP	POTW discharge to Cub River	5/31/2023
ID0027693	DOVER, CITY OF - DOVER WWTP	POTW discharge to Pend Oreille River [17010214] ^b	7/31/2023
ID0025747	CAREY, CITY OF - CAREY WWTP	POTW discharge to Little Wood River	7/31/2023
ID0023761	JULIAETTA, CITY OF - JULIAETTA WWTP	POTW discharge to Lower Potlatch River [17060306] ^{a,b}	7/31/2023
ID0021024	HORSESHOE BEND, CITY OF - HORSESHOE BEND WWTP	POTW discharge to Shafer Creek [17050122] ^b	7/31/2023
ID0020362	ELK RIVER, CITY OF - ELK RIVER WWTP	POTW discharge to Elk Creek [17060308] ^{a,b}	8/31/2023
ID0020095	BURLEY, CITY OF - BURLEY WWTP	POTW discharge to Milner Dam-Snake River [17040209]	8/31/2023
ID0024554	KENDRICK, CITY OF - KENDRICK WWTP	POTW discharge to Lower Potlatch River [17060306] ^{a,b}	8/31/2023
ID0021229	KOOTENAI-PONDERAY SEWER DISTRICT - KOOTENAI-PONDERAY WWTP	POTW discharge to Boyer Slough Tributary to Lake Pend Oreille [17010216] ^b	8/31/2023
ID0021997	HARRISON, CITY OF - HARRISON WWTP	POTW discharge to Harrison Slough – Coeur d’Alene River [17010303] ^b	8/31/2023
ID0026468	Hecla Limited – Grouse Creek	Non-POTW discharge to Yankee Fork [17060201] ^{a,b}	11/30/2023
ID0028533	Garden Creek Farms	Non-POTW discharge to Warm Springs Creek [17060201] ^{a,b}	12/30/2023
ID0023728	SHOSHONE, CITY OF - SHOSHONE WWTP	POTW discharge to Little Wood River	4/30/2024

IPDES ID	Permit Name	Facility Type and Receiving Water [HUC ^{a,b}]	Expiration Date
ID0000027	U.S. Silver Corp – ID Inc. Coeur & Galena Mines	Non-POTW discharge to South Fork Coeur d'Alene River	7/31/2024
ID0028029	Jug Mountain Ranch LLC	Non-POTW discharge to Lake Fork-North Fork Payette River [17050123] ^b	7/31/2024
ID0000175	Hecla Ltd – Lucky Friday Mine & Mill	Non-POTW discharge to Upper South Fork Coeur d'Alene River	7/31/2024
ID0024953	Darigold Inc – Caldwell Facility	Non-POTW discharge to Mason Creek-Boise River	10/31/2024

a. HUCs identified by the National Marine Fisheries Services (NMFS) as part of the conservation measures for EPA's approval of Idaho Mixing Zone Rules.

b. HUCs identified by the US Fish and Wildlife Service (FWS) that contain ESA-listed species or critical habitat.

General Permits

DEQ anticipates obtaining delegated authority over nonstorm water general permits on July 1, 2020. Table 4 lists the general permits and their expiration dates. DEQ's plans to address these general permits appear in the comments column.

Table 4. General permit list.

NPDES ID	Permit Name	Expiration Date	Comments
IDG910000	General Permit for Ground Water Remediation Facilities in Idaho	6/30/2012	Covers Delamar and Atlanta Gold Mines
IDG130000	2007 General Permit, Aquaculture Facilities in Idaho Subject to Wasteload Allocations Under Selected TMDLs	11/30/2012	Permit will be developed in conjunction with the new Snake-Rock Subbasin TMDL
IDG132000	2009 General Permit, Fish Processors Associated with Aquaculture Facilities in Idaho	11/30/2012	Permit will be developed in conjunction with the new Snake-Rock Subbasin TMDL
IDG010000	General Permit for Concentrated Animal Feeding Operations (CAFOs) in Idaho	5/8/2017	EPA has developed a draft permit—pending issuance
IDG911000	General Permit for Ground Water Remediation Facilities in Idaho	9/14/2019	Waiting to receive delegated authority—in queue
IDG380000	General Permit for Idaho Drinking Water Facilities	1/31/2021	Waiting to receive delegated authority
IDG370000	General Permit for Small Suction Dredge Placer Miners in Idaho	5/31/2023	Waiting to receive delegated authority
IDG131000	2019 General Permits for Aquaculture Facilities in Idaho (excluding facilities in the Upper Snake-Rock subbasin)	TBD, likely 11/30/2024	EPA has developed a draft permit—pending issuance
IDG360000	General Permit for Hydroelectric Generating Facilities in Idaho (Proposed)	TBD	EPA has developed a draft permit—pending issuance